

b2 15. A device comprising an array of 10 reaction sites in a pre-selected pattern, wherein each reaction site contains an antibody that specifically binds a protein wherein the antibody is correlated on a one-to-one basis with an isolated polynucleotide sequence expressed to encode the protein to which the antibody specifically binds.

Applicant notes the withdrawal of the previously pending rejections based on prior art.

Claim Rejections – 35 USC § 112 – First and Second Paragraphs

The claim rejections detailed at paragraphs 2 and 4 of the action are based on Section 112, first and second paragraphs, respectively. Taking the rejection under the second paragraph of § 112, paragraph 4 of the Action, the rejection is based on an interpretation of the claims requiring that the recited antibodies bind to both the antigen and the polynucleotide sequence encoding the antigen. Applicant submits that the amended claim 1 is phrased to specify that the antigen is the entity to which each of the 10 different antibodies bind. In other words, the antibodies are binding only to the antigens, and do not bind to any polynucleotide sequence. The antibodies are correlated to the polynucleotide sequences because the sequences were used to generate the antibodies through in vivo immunization. Thus, the term “correlated to” means that the reaction of antigen in a sample to the antibodies may be matched to the polynucleotide sequence to identify polynucleotides whose expression product is found in the sample. Because the polynucleotide sequence generates the antigen that produces the antibodies through in vivo immunization, the antibodies are correlated to polynucleotide specifically binds.

While it is believed that the current language adequately describes the distinction between binding the antigen and binding the polynucleotide, hence the use of the “correlating” term, Applicants have amended the claims to specify that the polynucleotide expression is correlated. Applicants are amenable to further define the invention in such terms as may be acceptable to the Examiner.

The Examiner's rejection under the In re Wands factors is based on the interpretation described above, which does not reflect the true nature of the invention. In practice, the Wands factors are satisfied by the generation of antibodies, correlated to polynucleotide sequence where a sequence is used to raise antibodies through in vivo immunization. With this technique, the subject matter of the claims is enabled consistent with the Wands factors. Also, Applicant possesses a tremendous volume of data showing use of the invention and can submit any quantity of data showing compliance with Wands and consistent with the content of the specification. In this regard, the steps disclosed in the specification for immunization are relatively conventional in isolation and are demonstrated by the data to be predictable, and the techniques described employed without extensive experimentation to produce the claimed arrays. Again, Applicants are pleased to present evidence by affidavit or otherwise to demonstrate compliance with the Wands factors.

In light of the above, applicant requests favorable consideration and allowance of the pending claims. If the Examiner has any questions regarding the foregoing, or if the Examiner believes that an interview would facilitate the examination of this application, or if any additional information is required, the Examiner is invited to contact the undersigned at 949/567-6700, X 6740.

Respectfully submitted,

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